

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Case No.: 2:13-cr-0337-JAD-GWF

Plaintiff

**Order Denying Request to Amend
Judgment but Recommending Designation
to a California Facility**

v.

Keith Michael Costa,

[ECF No. 50]

Defendant

In May 2014, this court sentenced Keith Michael Costa to 180 months' imprisonment on his convictions for carjacking and unlawful possession of a firearm.¹ At sentencing, the court granted Costa's request and included in the judgment a non-binding recommendation to the Bureau of Prisons (BOP) that Costa be designated to serve his sentence in Arizona.² He now asks the court to enter an amended judgment, with a revised recommendation to the BOP that Costa be designated to serve his sentence in a facility near Sacramento, California.³

As the government points out, however, this court's short time window for amending its judgment has long passed.⁴ But the court may still make a recommendation to the BOP without amending the judgment. Costa explains in his motion that his federal time has not yet commenced because he's been serving a state-court sentence since my last recommendation. And he further explains that his circumstances have changed, and he believes that a facility in California, preferably in the Sacramento area, will "contribute to" his "rehabilitative efforts" and

¹ ECF Nos. 36, 37.

² ECF No. 37 at 2.

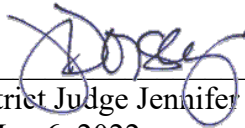
³ ECF No. 50 at 2.

⁴ See, e.g., *United States v. Ceballos*, 671 F.3d 852, 855 (9th Cir. 2011) (holding that the district court lacked jurisdiction to amend the judgment eight days after sentencing to add a BOP placement recommendation).

1 allow him “to be closer to his family and other members of his positive support system once he is
2 transferred from state to federal custody.”⁵

3 Good cause appearing, IT IS HEREBY ORDERED that Costa’s motion to amend the
4 judgment [ECF No. 50] is **GRANTED IN PART and DENIED IN PART**. Though the court
5 does not amend the judgment, it hereby **recommends to the BOP that Keith Michael Costa be**
6 **designated to serve his sentence at a facility near Sacramento, California.**

7 The Clerk of Court is directed to forward a copy of this order to this district’s U.S.
8 Probation Office to provide to the Bureau of Prisons.

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11 U.S. District Judge Jennifer A. Dorsey
12 Dated: May 6, 2022
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⁵ ECF No. 50 at 2.